

12-28-01

Attorney Docket No.: CYPR-023/01US

Page 1

A

12/19/01  
j1057 U.S. PRO  
Attorney Docket No. CYPR-023/01US

PATENT

Express Mail Label Number: EL514040326US  
Date of Deposit: December 19, 2001

11002 U.S. PRO  
10/028547  
12/19/01

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231

Date: 19 December 2001

By:

Vladimir Skliba

Vladimir Skliba

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

**NEW CONTINUATION/DIVISIONAL PATENT APPLICATION TRANSMITTAL  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a Continuation In Part (CIP) application under 37 C.F.R. §1.53(b) of a pending Patent Application, for which an Application No. is not currently available due to the delays in the mail. The parent application was filed on November 5, 2001, by the following named inventor(s): Jay D. KRANZLER and Srinivas G. RAO, entitled **METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN**, with Attorney's Docket No. CYPR-023/00US. The parent application was filed under Express Mail Label No. is EL514040255US.

- [X] The entire disclosure of the prior application from which a copy of the unexecuted oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference.
- [ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. §1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
- (a) Full Name:  
(b) Full Name:  
(c) Full Name:
- Transmitted herewith for filing is a U.S. Non-Provisional Utility Patent Application entitled **METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN**, naming as inventors: Jay D. KRANZLER and Srinivas G. RAO,

and including:

- [X] (22) pages of description (before the claims);  
[X] (3) pages of claims ((29) total claims; (3) independent claims);  
[X] One (1) Sheet of Abstract;  
[] (0) sheets of drawing(s) including Figures \_\_\_\_.  
[] A copy of the originally filed U.S. Patent Application No. \_\_\_, filed \_\_\_, entitled \_\_\_, including:  
    [] 0 pages of description (before the claims);  
    [] 0 pages of claims (0 total claims; 0 independent claims);  
    [] One (1) Sheet of Abstract;  
    [] 0 sheets of drawing(s) including  
        Figures \_\_\_; and  
    [] executed oath or declaration.  
[] Application Data Sheet  
[] A revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.  
[] Preliminary Amendment  
[] Information Disclosure Statement  
[] New Drawings  
[] CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)  
[] Nucleotide and/or Amino Acid Sequence Submission  
    [] Computer Readable Form (CRF) on 3 ½" floppy disk  
    [] Specification Sequence Listing on:  
        [] CD-ROM or CD-R (2 copies); or  
        [] paper  
    [] The content of the copy in computer readable form is identical to the content of the paper, CD-ROM, or CD-R copy of the Sequence Listing.  
[X] Nonpublication Request and Certification  
[X] Assertion of Entitlement to Small Entity Status  
[] Check No. \_\_\_ in the amount of \$ \_\_\_ for the total fee calculated below.  
[] Return receipt postcard  
[] Other:
2. [X] Please amend the specification by inserting before the first heading at line 3, the following paragraph:
- CROSS REFERENCE TO RELATED APPLICATIONS**
- This application is a continuation in part application of the application Serial No. \_\_\_\_\_ filed November 5, 2001, by the following named inventor(s): Jay D. KRANZLER and Srinivas G. RAO, entitled METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN, and which is identified by Attorney's Docket No. CYPR-023/00US, the entire content of which is hereby incorporated by reference.--
3. [] Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee.

4. The filing fee has been calculated as follows [] and in accordance with the enclosed preliminary amendment:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00
Total Claims	29	- 20 =	9	x \$18.00	\$162.00
Independent Claims	3	- 3 =		x \$84.00	
If multiple dependent claims are presented, add \$280.00					\$280.00
Total Application Fee					\$1,182.00
If an Assertion of Entitlement to Small Entity Status is enclosed, subtract 50% of Total Application Fee					\$591.00
Other fees: (specify)					
<b>TOTAL FEE DUE</b>					<b>\$591.00</b>

- This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
- A check for the total fee is attached.
- Please charge \$ 591.00 to Deposit Account No. 03-3117 for the total fee. This paper is submitted in duplicate.
- The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

5.  The Power in the prior application is to .

- The Power appears in the original papers in the prior application.  
 The Power is enclosed.  
 Please direct all future correspondence concerning this application to:

COOLEY GODWARD LLP

ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663

CUSTOMER NUMBER: 23419

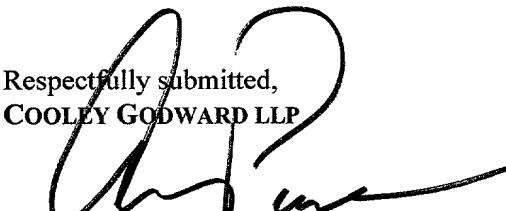
Dated:

Cooley Godward LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663

AMP/AKR/hh

By:

Respectfully submitted,  
COOLEY GODWARD LLP

  
Ann M. Caviani Pease  
Reg. No. 42,067

Attorney Docket No. CYPR-023/01US

PATENT

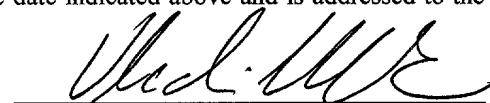
Express Mail Label Number:  
Date of Deposit:

**EL514040326US**  
December 19, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231

Date: 19 December 2001

By:



Vladimir Skliba

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jay D. Kranzler et al.

Serial No.:	Not yet assigned	Examiner:	Not yet assigned
Filed:	December 17, 2001	Art Unit:	Not yet assigned
For:	<b>METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN</b>		

---

BOX Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

### NONPUBLICATION REQUEST – 37 C.F.R. §1.213

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

Dated:

Cooley Godward LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663

Respectfully submitted,  
**COOLEY GODWARD LLP**

Ann M. Caviani Pease  
Reg. No. 42,067

AMP\AKR\hh